

514 IMPAIRED DRIVING AND EVIDENCE COLLECTION

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of impaired driving.

514.2 POLICY

The Columbia Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Missouri's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

514.4 SAMPLE COLLECTION CONSIDERATIONS

514.4.1 BREATH SAMPLES

The Traffic Unit Supervisor or designee should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Unit Supervisor.

514.4.2 BLOOD SAMPLES

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. However, the person may be required to complete another available and viable test.

514.4.3 URINE SAMPLES

If a urine test will be performed, the officer shall follow any directions accompanying the urine evidence collection kit and procedures established through department-approved training.

The collection kit shall be marked with the person's name, case number and the name of the witnessing officer.

514.5 REFUSALS

Officers should:

1. Advise the person of the requirement to provide a sample (§ 577.020, RSMo).
2. Audio-record the admonishment and the response when it is practicable.
3. Document the refusal in the appropriate report.

514.5.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of license revocation to the person and take possession of a Missouri license to operate a motor vehicle that is held by that person. The officer shall issue the person a temporary permit, and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation (§ 577.041, RSMo).

514.6 OFFICER RESPONSIBILITIES

Officers should utilize authorized forms and guides in all DUI/DWI investigations and complete each form section as appropriate. Details documented on the forms are not required to be duplicated in the narrative portion of the report unless further clarity is warranted.

514.9 ADMINISTRATIVE HEARINGS

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.